

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

Sonya Coley, et al.
Plaintiffs.

v.

Vannguard Urban Improvement Ass'n
Inc., et al
Defendants.

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Civil Action No. 12-cv-5565
(Chen, J)(Reyes, M.J.)

**AFFIDAVIT OF THOMAS POPE
IN SUPPORT OF MOTION FOR DEFAULT**

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

I, **THOMAS POPE**, being duly sworn and under penalty of perjury, depose and state as follows:

1. I am over the age of 21 and I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I reside at [REDACTED] Brooklyn, NY [REDACTED].

3. I was hired by defendant Vannguard Urban Improvement Association, Inc. on November 9, 1993 and worked for the company until September 21, 2012 when I resigned because the company continued to pay our wages late.

4. My last job title was Job Developer.

5. My job duties as Project Developer was to seek out internship opportunities so that program participants could gain hands-on work experience. I also conducted readiness

workshops for participants.

6. My work schedule was Monday - Friday, 9:00 a.m. to 5:00 p.m. I was scheduled to work 35 hours each week; but I normally worked an average of to 50 hours a week. Oftentimes, I worked on Saturday and Sundays.

7. I have never been paid overtime for the extra time I worked. I was unaware that I was improperly being paid on a salary basis instead of being paid as an hourly employee.

8. Between 2006 and 2012, I improperly worked on a salary at different weekly rates when I should have been paid at an hourly rate due to the nature of my job duties. Attached to this Affidavit is my handwritten summary of my straight time and time and a half overtime due, in addition to a spreadsheet showing the calculation of my unpaid annual leave. The total amount due, including liquidated damages is \$239,788.46 (119,894.23 x 2).

9. Throughout my employment, Vanguard delayed payment for my wages **for at least 16 payroll periods in 2012:** January 13 through 30, 2012, February 2 - February 7, 2012, February 15, February 23, March 12 - March 23, March 26 - April 7, 2012, April 9 - April 20, 2012, April 23 - May 4, 2012, May 7 - May 18, 2012, May 21 - June 1, 2012, June 6 - June 15, 2012, June 18 - June 29, 2012, July 1 - July 13, 2012, July 16 - July 27, 2012, June 30 - August 9, 2012, August 13 - August 24, 2012; **for 8 payroll periods in 2011:** October 10 - October 21, 2011, January 17 - January 28, 2011, March 14 - March 24, 2011, April 11 - April 22, 2011, June 6 - June 17, 2011, June 20 - July 1, 2011, July 4 - July 15, 2011 and July 18 - July 29, 2011; **and two payroll periods in 2010:** October 25 - November 5, 2010 and July 19 - July 30, 2010.

10. Concerning the late wage payments, my supervisor Sonya Coley inquired about the late paychecks to Arthur Niles, the Executive Director. She reported outcomes of each meeting

to the staff. The late paychecks caused me to be depressed and frustrated due to an inability to meet my financial obligations. On August 7, 2012, Vannguard employees demanded a meeting with the Board of Directors. We advised Board members, including but not limited to defendants Thomas C. Hansard, Jr., Chairman of the Board, Annunciate Hopkins Pope, Treasurer and Bakbakkar Harris, Secretary of the Board that we had not been paid for several weeks. Despite our complaints, the defendants did nothing to see that we received our paychecks in a timely manner.

11. On November 26, 2012, Vannguard Urban Improvement Association, Inc. locked its employees out of the building and we were unable to report for work. The company posted a notice on the door stating "Notice of Termination" and "Closed for Business."

12. In this lawsuit, I am seeking the total unpaid wages due, liquidated damages plus interest, attorneys fees and costs.

I declare under penalty of perjury that the foregoing is true and correct.

SWORN TO and SUBSCRIBED before me by

this 30th day of April, 2013

Thomas Pope

THOMAS POPE

Irene D. Thomas

Irene Donna Thomas, Notary Public

Irene Donna Thomas
Notary Public
Reg.#02TH6007108
State of New York
My commission expires 9-13-15